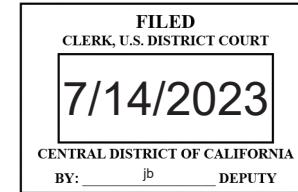


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10 Attorneys for Plaintiff
11 UNITED STATES OF AMERICA

12 UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,

15 CR 2:23-cr-00347-AB 1

Plaintiff,

16 GOVERNMENT'S NOTICE OF REQUEST FOR
17 DETENTION

v.

18 DAVID GANDARA,
19 aka "Diablo,"
20 aka "tobrazy13,"

Defendant.

21 Plaintiff, United States of America, by and through its counsel
22 of record, hereby requests detention of defendant and gives notice of
23 the following material factors:

24 1. Temporary 10-day Detention Requested (§ 3142(d)) on the
25 following grounds:
26 a. present offense committed while defendant was on release
27 pending (felony trial),
28 b. defendant is an alien not lawfully admitted for
permanent residence; and

1 c. defendant may flee; or

2 d. pose a danger to another or the community.

3 2. Pretrial Detention Requested (§ 3142(e)) because no
4 condition or combination of conditions will reasonably
5 assure:

6 a. the appearance of the defendant as required;

7 b. safety of any other person and the community.

8 3. Detention Requested Pending Supervised Release/Probation
9 Revocation Hearing (Rules 32.1(a)(6), 46(d), and 18 U.S.C.
10 § 3143(a)):

11 a. defendant cannot establish by clear and convincing
12 evidence that he/she will not pose a danger to any
13 other person or to the community;

14 b. defendant cannot establish by clear and convincing
15 evidence that he/she will not flee.

16 4. Presumptions Applicable to Pretrial Detention (18 U.S.C.
17 § 3142(e)):

18 a. Title 21 or Maritime Drug Law Enforcement Act ("MDLEA")
19 (46 U.S.C. App. 1901 et seq.) offense with 10-year or
20 greater maximum penalty (presumption of danger to
21 community and flight risk);

22 b. offense under 18 U.S.C. §§ 924(c), 956(a), 2332b, or
23 2332b(g)(5)(B) with 10-year or greater maximum penalty
24 (presumption of danger to community and flight risk);

25 c. offense involving a minor victim under 18 U.S.C.
26 §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251,

1 2251A, 2252 (a) (1) - (a) (3), 2252A(a) (1) - 2252A(a) (4),
2 2260, 2421, 2422, 2423 or 2425 (presumption of danger
3 to community and flight risk);

4 d. defendant currently charged with an offense described
5 in paragraph 5a - 5e below, AND defendant was
6 previously convicted of an offense described in
7 paragraph 5a - 5e below (whether Federal or
8 State/local), AND that previous offense was committed
9 while defendant was on release pending trial, AND the
10 current offense was committed within five years of
11 conviction or release from prison on the above-
12 described previous conviction (presumption of danger to
13 community).

14 5. Government Is Entitled to Detention Hearing Under § 3142(f)
15 If the Case Involves:

16 a. a crime of violence (as defined in 18 U.S.C.
17 § 3156(a) (4)), a violation of 18 U.S.C. § 1591, or
18 Federal crime of terrorism (as defined in 18 U.S.C.
19 § 2332b(g) (5) (B)) for which maximum sentence is 10
20 years' imprisonment or more;

21 b. an offense for which maximum sentence is life
22 imprisonment or death;

23 c. Title 21 or MDLEA offense for which maximum sentence is
24 10 years' imprisonment or more;

25 d. any felony if defendant has two or more convictions for
26 a crime set forth in a-c above or for an offense under
27 state or local law that would qualify under a, b, or c

1 if federal jurisdiction were present, or a combination
2 or such offenses;

3 e. any felony not otherwise a crime of violence that
4 involves a minor victim or the possession or use of a
5 firearm or destructive device (as defined in 18 U.S.C.
6 § 921), or any other dangerous weapon, or involves a
7 failure to register under 18 U.S.C. § 2250;

8 f. serious risk defendant will flee;

9 g. serious risk defendant will (obstruct or attempt to
10 obstruct justice) or (threaten, injure, or intimidate
11 prospective witness or juror, or attempt to do so).

12 6. Government requests continuance of _____ days for detention
13 hearing under § 3142(f) and based upon the following
14 reason(s) :

15 _____
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1 7. Good cause for continuance in excess of three days exists in
2 that:
3
4 _____
5 _____
6 _____
7 _____

8 Dated: July 13, 2023

Respectfully submitted,

9 E. MARTIN ESTRADA
10 United States Attorney

11 MACK E. JENKINS
12 Assistant United States Attorney
Chief, Criminal Division

13 
14 _____

15 HAOXIAOHAN CAI
16 Assistant United States Attorney

17 Attorneys for Plaintiff
18 UNITED STATES OF AMERICA

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